

Message Text

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ACTION EUR-12

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FM USMISSION USBERLIN

TO AMEMBASSY BONN

INFO SECSTATE WASHDC 2021

AMEMBASSY BERLIN UNN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

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C O N F I D E N T I A L USBERLIN 0364

E.O. 11652: GDS

TAGS: PGOV, PFOR, EEC, WB, GE

SUBJECT: BERLIN AND DIRECT ELECTIONS TO EUROPEAN PARLIAMENT

REF: A) BONN 2774, B) BONN 3008, C) ECBRUSSELS 1675

1. SUMMARY: MISSION CONSIDERS THAT FRG-PROPOSED
BERLIN STATEMENT IN CONNECTION WITH EC CONVENTION
ON DIRECT ELECTIONS TO EC PARLIAMENT WOULD BE SATIS-
FACTORY MEANS OF INCLUDING BERLIN IN CONVENTION AND
PROVIDING FOR SPECIAL BERLIN ELECTORAL SYSTEM. WE
WOULD THINK IT DESIRABLE FOR ALLIES TO ISSUE BK/O
APPROVING EXTENSION OF AGREEMENT TO BERLIN WITH
GENERAL RESERVATION. WE WOULD TEND TO AGREE WITH FRG,
HOWEVER, THAT ALLIES SHOULD NOT ATTEMPT TO ADDRESS
DIRECTLY AT THIS TIME FURTHER QUESTIONS OF COMPETENCE
OF BERLIN REPRESENTATIVES IN PARLIAMENT OR OF MODALITIES
BY WHICH ANY PARLIAMENTARY LEGISLATION MIGHT BECOME
APPLICABLE IN CITY. END SUMMARY:

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2. WE SEE NO DIFFICULTIES WITH DRAFT FRG BERLIN STATEMENT. WE HAD PROPOSED THAT CONSIDERATION BE GIVEN TO SOMEWHAT MORE FORTHCOMING MODALITIES FOR PERMITTING BERLINERS TO EXPRESS THEIR WISHES ON REPRESENTATIVES (USBERLIN 2328 OF 1975). IF GERMANS ARE CONTENT WITH SIMPLE SELECTION BY BERLIN HOUSE OF REPRESENTATIVES, HOWEVER, WE WOULD NOT SEE SPECIAL ALLIED INTEREST IN TRYING TO DEVELOP MORE SOPHISTICATED MODALITIES.

3. ALTHOUGH FRG'S SPECIAL BERLIN STATEMENT WOULD ESTABLISH ESSENTIAL RESERVATION ON SPECIAL BERLIN ELECTORAL REGIME, WE AGREE WITH EMBASSY THAT IT WOULD BE DESIRABLE FOR THIS TO BE REJECTED ALSO IN MOMMANDATURA LEGISLATION AT TIME OF TAKEOVER. THAT WOULD MAKE CLEAR ALLIES RETAIN CONTROL OF PROCESS. OUR APPROVAL WITH RESERVATION OF BASIC EC TREATIES WAS BY BK/L IN 1957 AND 1965, BUT WE WOULD THINK PUBLIC BK/O WOULD BE BETTER THIS TIME GIVEN INEVITABLE SOVIET INTEREST AND FACT THAT NATURE OF OUR DOCUMENT WOULD QUICKLY BECOME SUBJECT OF PRESS SPECULATION. BY USING BK/O WE CAN AT LEAST INSURE THAT WHAT WE SAY IS ACCURATELY REPORTED, AND WE WOULD OBIVIATE ANY PROBLEMS ABOUT WHETHER TO MAKE A BK/L AVAILABLE TO SOVIETS. OUR 1957 DOCUMENT, BK/L(57)44, HAS, OF COURSE, LONG BEEN IN PUBLIC DOMAINE.

4. WE RECOGNIZE THAT PARLIAMENT WILL ASSUME GREATER IMPORTANCE IN EC SCHEME OF THINGS ONCE IT IS DIRECTLY ELECTED. THEREIS, THEREFORE, GOOD CHANCE THAT IT WILL EVENTUALLY ACQUIRE NEW FORMAL POWERS. AS DRAFT CONVENTION DOES NOT ADDRESS THIS QUESTION, HOWEVER, WE WOULD SERIOUSLY QUESTION DESIRABILITY OF ALLIES ATTEMPTING TO DEAL WITH IT AS IT MIGHT AFFECT BERLIN IN CONNECTION WITH PRESENT EXERCISE. ISSUE IS OBVIOUSLY A SENSITIVE ONE FOR GERMANS. ESSENTIALLY, WHAT HAS MADE PROSPECT OF INDIRECT ELECTION OF BERLIN REPRESENTATIVES--A FURTHER EXAMPLE OF "DISCRIMINATION" AGAINST BERLIN--FAIRLY PALATABLE TO BERLINERS HAS BEEN ASSUMPTION THAT CITY'S REPS WILL CONTINUE TO BE CONFIDENTIAL

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EQUAL TO ALL OTHER REPS ONCE THEY GET TO STRASBOURG. WE MIGHT SOMEDAY HAVE TO IMPOSE VOTING OR OTHER RESTRICTIONS, BUT WE WOULD ARGUE THAT, PSYCHOLOGICALLY, POLITICALLY, AND PRACTICALLY, THIS SHOULD WAIT FOR ANOTHER DAY.

5. FOR TIME BEING, DIRECTLY ELECTED PARLIAMENT WILL HAVE ONLY THOSE VERY LIMITED FORMAL POWERS (ADVISORY

AND SUPERVISORY) OF PARLIAMENT IN WHICH BERLINERS HAVE BEEN VOTING FOR NEARLY 20 YEARS. IT WILL NOT BE ABLE TO PASS LAWS THE APPLICATION OF WHICH TO BERLIN MIGHT RAISE STATUS QUESTIONS. OUR LIMITED KNOWLEDGE OF EC CONSTITUTIONAL SYSTEM SUGGESTS THAT FRENCH AMBASSADOR MAY WELL BE CORRECT WHEN HE SAYS THAT DEVOLUTION OF NEW FORMAL POWERS UPON PARLIAMENT WOULD REQUIRE TREATY REVISION (REF B). EVEN IF SOME OTHER METHOD WERE ULTIMATELY ADOPTED, HOWEVER, IT WOULD SURELY ATTRACT NOTICE AND REQUIRE SUFFICIENT INTER-GOVERNMENTAL REVIEW SO THAT ALLIES WOULD BE ABLE TO DECIDE AT THAT TIME WHETHER THEY NEEDED TO IMPOSE ADDITIONAL RESTRICTIONS ON BERLIN REPS OR APPLICATION OF LEGISLATIVE ACTIONS TO CITY. FURTHER PRACTICAL ARGUMENT FOR WAITING, IN OUR VIEW, IS THAT WITHOUT KNOWING WHAT TYPES OF OF LEGISLATIVE COMPETENCE PARLIAMENT WILL ULTIMATELY HAVE WE WOULD AT BEST BE GUESSING IN TRYING TO COPE WITH PROBLEM AREAS. WE MIGHT WELL GUESS WRONG, IMPOSING RESTRICTIONS THAT WEREN'T NEEDED, MISSING THOSE THAT WERE, AND IN THE PROCESS SHAKING THE FAITH OF BERLINERS THAT THEY WILL BE ABLE TO CONTINUE TO SHARE IN THE PROCESS OF WESTERN EUROPE'S DEVELOPMENT.

6. WE THINK ON OTHER HAND THAT BK/O APPROVING THE ELECTIONS CONVENTION COULD BE DRAWN SUFFICIENTLY BROADLY SO THAT, AS IN 1957, WE MADE WHAT WOULD AMOUNT TO AN OPEN-ENDED RESERVATION LAYING THE GROUND-WORK FOR US TO TAKE WHATEVER ADDITIONAL ACTION LATER DEVELOPMENTS INDICATED WERE ADVISABLE. OUR IDEA OF SUCH A DRAFT BK/O, PATTERNED CLOSELY UPON BK/L(57)44 AND BK/L(65)51, IS AS FOLLOWS: BEGIN TEXT: SUBJECT: EXTENSION TO BERLIN OF THE CONVENTION ON THE ELECTION OF MEMBERS OF THE EUROPEAN PARLIAMENT BY CONFIDENTIAL

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DIRECT UNIVERSAL SUFFRAGE.

THE ALLIED KOMMANDATURA APPROVES THE APPLICATION TO BERLIN OF THE ABOVE-NAMED TREATY INsofar AS IS COMPATIBLE WITH THE RIGHTS AND RESPONSIBILITIES OF THE ALLIED AUTHORITIES AS DEFINED IN THE DECLARATION ON BERLIN OF MAY 5, 1955, WHICH, IN THE CASE OF ANY CONFLICT INVOLVING THE FULFILLMENT OF THE OBLIGATIONS SET FORTH IN THAT INSTRUMENT, MUST BE REGARDED AS PARAMOUNT. THE EXTENSION OF THIS TREATY TO BERLIN, MOREOVER, IS NOT TO BE CONSTRUED AS IMPLYING THE REPEAL OR AMENDMENT IN ANY WAY OF ALLIED LEGISLATION. THE ALLIED KOMMANDATURA FURTHER ORDERS THAT THOSE REPRESENTATIVES OF THE EUROPEAN PARLIAMENT APPORTIONED TO THE FEDERAL REPUBLIC OF GERMANY BY THE ABOVE-NAMED TREATY WHO ARE TO BE ELECTED IN BERLIN WILL

BE ELECTED BY THE HOUSE OF REPRESENTATIVES. (STANDARD
CLOSING PARAGRAPH ON PUBLICATION OF BK/O). END TEXT.

7. WE WOULD CONSIDER THAT SUCH A GENERAL BK/O WOULD
OBVIATE NEED FOR ALLIES TO TAKE NOTE OF SPECIFIC
ARTICLES IN CONVENTION, INCLUDING ARTICLES 4 AND 14
TO WHICH EMBASSY HAS CALLED ATTENTION. GEORGE

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